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**NASSAU COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN
NOVEMBER 28, 2005 AREA ASSESSMENT TEAM (Hempstead Boundary)**

Attending:

Name	Affiliation	Address	Phone	Fax	E-mail
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Terry Winters	Nassau County OEM	100 Carman Ave. East Meadow, NY 11554	516-573-0636	516-573-0673	twiners@nassaucountyny.gov
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The first Area Assessment Team meeting for the Hempstead area was held Monday, November 28 at 3 p.m. at the Freeport Fire Department.

The area assessment teams will be responsible for local community involvement in the multi-jurisdictional mitigation plan. To do this, the assessment teams will:

- Coordinate and facilitate local efforts.
- Provide information and feedback
- Reach out to and involve the public and community stakeholders in the planning process.
- Assess mitigation alternatives
- Select a course of action to be followed for their community
- Implement the plan and monitor its progress.

Agenda:

- Welcome and Opening Remarks
- Overview of the project and Planning Team Structure
- Participation Criteria
- The Hazard ID and Profile Steps

- Timeline
- Questions and Answers

Terry Winters, Nassau County Office of Emergency Management explained why participation in the Multi-jurisdictional Hazard Mitigation Plan will benefit the villages and towns:

- The villages and towns do not have to provide their own funds for the planning effort.
- FEMA looks at the entire planning process.
- By participating and attending meetings, the localities become part of the multi-jurisdictional process.
 - Municipalities must provide feedback and will have an opportunity to change and edit the draft plan.
 - In addition to municipalities, local communities and fire departments may participate.
 - Other stake holders may also be involved.
- Their participation will encourage other villages to become involved in the plan.
- Mr. Winters emphasized that any questions about the plan and the process should be directed to him.
- Under the team planning concept, Mr. Winters will act as a “broker,” making available to local municipalities the resources of the key stake holders, such as LIPA, KeySpan, New York State Department of Environmental Conservation, and the Coast Guard.
- It is important that the Nassau OEM learn what goes on in a community when it is hit by a natural hazard.
- The towns and villages must adopt the mitigation plan by formal resolution. A generic resolution will be distributed to all the participating jurisdictions.

Ms. Foley gave a slide presentation discussing in detail the plan requirements and process. Every participant received a copy of the meeting agenda and a copy of the PowerPoint slides. Topics discussed included:

- Intent of the project
- Organizational structure of the planning group
- Overview of the plan development process
- Role of participating jurisdictions, contractors, the public, and other stakeholders
- Participation criteria
- Key deliverables
- Data collection/supporting documents
- Project timeline
- Next steps
- Questions and answers

In her discussion, Ms. Foley emphasized that:

- Hazard mitigation involves evaluating potential hazards and then taking mitigation actions *before* the hazards occur.
- The plan must meet the provisions of FEMA’s DMA 2000 requirements.
- Having a plan in places makes municipalities eligible to apply for funding for mitigation projects.
- The participants are (a) local municipalities; (b) other stakeholders; and (c) the public.
- Nassau OEM will need continued feedback from the localities.

- Each participating jurisdiction, including Nassau County, must provide opportunities for participation to the public and other stakeholders.
- Ms. Foley also addressed the plan development process; participation criteria; outreach to other stakeholders, including the outreach log; and the hazard identification profiles. A stakeholder participation and outreach plan was distributed to all participants.

Ms. Foley and Mr. Winters opened the discussion to questions:

- Q1:** (Thomas Mylod) With respect to the hazard identification, you looked at 20 and threw out ten. Must we just work on those ten, or can we add things you have never heard of?
- A1:** (Ms. Foley) If you disagree with any part of the hazard identification, now is the time to provide us that feedback (specifically, by filling out the Hazard Identification Questionnaire that's included in today's handouts).
- Q2:** Flooding seems to be offshore: do you take into account other flooding, e.g. storm drains?
- A2:** (Mr. Winters) We will do that. This information will be incorporated into the plan as it is provided to us by participants.
- Q3:** What about a building that is burned and becomes a hazard? Will that be evaluated in the plan?
- A3:** (Mr. Winters/Ms. Foley) Only if it was burned from a wild fire. Urban fires aren't part of the evaluation of natural hazards.
- Q4:** One major topic that is not in there is terrorism.
- A4:** (Ms. Foley) DMA 2000 requires only a consideration of natural hazards. Evaluation of what FEMA terms "human caused hazards" (technological hazards and terrorism) is encouraged, though not required, for a plan to meet the requirements and "pass" during its review. Focusing on natural hazards is the fastest way to get a plan in place, and man-made hazards can then be added later. Mr. Winters added that the grant that the County received is for natural hazards, and that will be the sole focus of this effort.
- Q5:** Will the plan have guidelines for groundwater intrusion into buildings and runoff pollution in low areas in the community?
- A5:** (Ms. Foley) Please bring that to our attention. Again, this type of information will be incorporated into the plan as it is provided to us by participants.
(Mr. Winters) Yes. We are looking for proof -- any police department or fire department that has responded, or newspaper articles. We want to know about any area that floods during heavy rains.
- Q6:** (Lynbrook) We have applied for this several times. Everything south of Jericho Turnpike has creeks that flood. A plan put forth to the State saying this would be a problem down the road, but it was not addressed, and now it is a huge problem. The County put a retention basin in for a similar flooding problem.
- A6:** (Mr. Winters) You would probably have more of an issue with that kind of flooding than if water is coming over the barrier beach. The town would have to tell us that it has been a problem and there has been no response from the government yet.

Q8: Do you have to be NIMS compliant?

A8: (Mr. Winters) No.

Closing comments by Mr. Winters:

- We need the hazard identification sheets back as soon as possible.
- We need you to reach out to the public and other stakeholders.
- There may be some major changes at FEMA, which will put more emphasis on natural hazards.

Responses to Questions for Which a Response was Not Given During AAT Meetings:

North Hempstead boundary – 11/17/05

Oyster Bay boundary – 11/28/05

1.) **Question:** If one flood prone area of a community is in a private development with private roads, and if that area floods not due to a riverine or coastal flood source but rather due to drainage issues, could the community apply for a grant for a drainage improvement project at that site?

Source Consulted: The answer to this question was obtained by URS on 11/17/05 through telephone coordination with representatives of FEMA Region 2 who administer the HMGP, FMA, and PDM programs.

Answer: Yes, a drainage improvement project for a private road would be an eligible type of project under HMGP and PDM as long as the community agrees to act as the Sponsor for the private development in applying to FEMA for mitigation project funding. For the FMA program, the same would hold true but in addition, the application would have to show that implementation of the project would offer protection to NFIP-insurable structures (in other words, under FMA, if the project was only to alleviate roadway flooding, it *would not* be an eligible type of project, but if it would alleviate any flooding to NFIP-insurable structures, then it *would* be an eligible type of project).

2.) **Question:** In one community, the Planning Group representative was encountering some reluctance on the part of her colleagues to document areas of historic flooding, especially with regard to areas that flood due to poor drainage. The reluctance was coming from a concern that documenting these types of problem areas could put the community at an increased liability if they were to be sued. Not only in the case of (1) a problem that was identified and had no mitigation action identified for it in the mitigation strategy of the plan, (2) a problem that was identified and had a mitigation action evaluated but given a low priority in the mitigation strategy section of the plan, or (3) a problem that was identified with a mitigation action to be undertaken by a certain date, but possibly a lawsuit brought against the community before the action was implemented. The question was: are communities really increasing their liability when identifying problem areas such as this?

First Source (NYSEMO) Consulted: The first answer to this question was obtained by URS on 11/17/05 through telephone coordination with representatives of NYSEMO who support community mitigation planning activities.

First Source Answer: Representatives of NYSEMO indicated that this is a question that has been raised by other New York State communities as they, too, participated in the development of a hazard mitigation plan. NYSEMO recognizes this concern, and suggests that communities

who are concerned about potential liabilities as they relate to the plan development process should coordinate directly with their community's legal staff.

Second Source Consulted (FEMA Region 2): URS also posed this question to a representative of the FEMA Region 2 Flood Insurance and Mitigation Division during a telephone conversation on 11/17/05.

Second Source Answer: FEMA Region 2 recognizes that this is a legitimate concern regarding how the planning process and the planning document (specifically the risk and vulnerability assessment section and action items) might bolster a person's claim or suit against a community for negligence. Region 2 has posed the question to legal staff at FEMA Headquarters and is awaiting a response. In the interim, the Region agrees with NYSEMO that communities who are concerned about potential liabilities as they relate to the plan development process should coordinate directly with their community's legal staff.